

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS MATIAS,

Plaintiff,

-against-

NEW YORK CITY, et al.,

Defendants.

23-CV-4990 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff was incarcerated at the Anna M. Kross Center on Rikers Island, in the custody of the New York City Department of Correction, when he filed this action. By order dated July 27, 2023, the Court directed Plaintiff to file an amended complaint within 60 days. That order specified that failure to comply would result in dismissal of the action. On October 3, 2023, the order was returned to the court with a notation on the envelope indicating that the mail was not deliverable because Plaintiff was no longer held at that facility.

As Plaintiff has not complied with the Court's order, has failed to notify the court of a change of mailing address, and has not initiated any further contact with the court, written or otherwise, the Court dismisses this action without prejudice. *See, e.g., Toussaint v. Maryland Dep't of Transp.*, No. 23-CV-0271 (D. Md. Mar. 21, 2023) (dismissing action without prejudice following Plaintiff's failure to update the court with his new address).

**CONCLUSION**

The Court dismisses this action without prejudice. All other pending matters in this case are terminated.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: October 11, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge